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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 FACEBOOK, INC.,

15 Plaintiffs,

16 v.

17 POWER VENTURES, INC. a Cayman Island
Corporation,; STEVE VACHANI, an
18 individual; DOE 1, d/b/a POWER.COM,
19 DOES 2-25, inclusive,

20 Defendants.
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Case No. 5:08-cv-05780 JW

**FACEBOOK INC.'S MOTION FOR
ADMINISTRATIVE RELIEF TO
FILE UNDER SEAL, PURSUANT TO
CIVIL LOCAL RULE 79-5(c), THE
EXPERT REPORT OF RICHARD J.
OSTILLER AND PORTIONS OF
FACEBOOK'S SUPPLEMENTAL
BRIEF REGARDING DAMAGES
AND LIABILITY OF DEFENDANT
STEVE VACHANI.**

Dept: Courtroom 9, 19th Floor
Judge: Honorable James Ware

Pursuant to Civil Local Rule 79-5(c), Facebook, Inc. respectfully submits this Motion for Administrative Relief to File Under Seal: 1) portions of the Expert Report of Richard J. Ostiller (“Ostiller Report”) attached as Exhibit 25 to the Declaration of Monte Cooper in Support of Facebook’s Supplemental Brief Regarding Damages and Liability of Defendant Steve Vachani; and 2) the portions of Facebook’s Supplemental Brief Regarding Damages and Liability of Defendant Steve Vachani citing to the Ostiller Report. This Motion is accompanied by the Declaration of Morvarid Metanat in support of Facebook’s Administrative Motion to Seal (“Metanat Declaration”) as well as the attached Proposed Order.

Pursuant to the parties’ February 4, 2011 Protective Order (Dkt. No. 95), Facebook has designated as “Highly Confidential—Attorneys’ Eyes Only,” the entirety of the Declaration of Ryan McGeehan in Support of Facebook’s Motion for Partial Summary Judgment for Liability on Count 1 of the CAN-SPAM Act (“McGeehan Declaration”) and Exhibits attached thereto, and the Declaration of Joseph Cutler in Support of Facebook’s Motions for Partial Summary Judgment for Liability on Count 1 of the CAN-SPAM Act (“Cutler Declaration”) and Exhibits attached thereto. Pursuant to the Court’s November 28, 2011 Order (Dkt. No. 182), the McGeehan Declaration and relevant portions of the Cutler Declaration are under seal. The Ostiller report relies and references the McGeehan and Cutler Declarations. The Supplemental Brief makes reference to these portions of the Ostiller Brief. Accordingly, Facebook respectfully requests that portions of the Ostiller Report referencing and citing to the sealed portions of the McGeehan and Cutler Declarations, as well as portions of the Supplemental Brief, be sealed.

Dated: March 30, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Morvarid Metanat /s/

MORVARID METANAT
Attorneys for Plaintiff
FACEBOOK, INC.